

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2147 of 1984

For Approval and Signature:

Hon'ble THE CHIEF JUSTICE MR. K.SREEDHARAN
and
MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 : NO

UPLETA TALUKA CO.OP. PURCHASE & SALES UNION LTD.

Versus

STATE OF GUJARAT

Appearance:

MR KG VAKHARIA for Petitioners

MS AMEE YAGNIK AGP for Respondent No. 1

CORAM : THE CHIEF JUSTICE MR. K.SREEDHARAN and
MR.JUSTICE A.R.DAVE

Date of decision: 27/04/98

ORAL JUDGEMENT (Per : K. Sreedharan, CJ.)

First petitioner is a registered federal cooperative society and the second petitioner is a member of the Managing Committee of the first petitioner-Society.

2. The Cooperative Society by filing this petition prays for issuance of writ of prohibition restraining the State Government from making appointment of the Government nominees in the Managing Committee of the first petitioner-Society, in pursuance of Section 80 (2) of the Gujarat Cooperative Societies Act, 1961.

3. Though it is contended that Section 80 (2) of the Act is ultra vires but there is no prayer for quashing the same as violative of Articles 14, 19 (1)(c) and 21 of the Constitution of India. No prayer is made in the petition to strike down the said provisions. The only prayer is to restrain the Government from appointing nominees of Government in the Managing Committee of the first petitioner-Society. Validity of Section 80 (2) of the Cooperative Societies Act has been upheld by a Bench of this Court in Amreli District Cooperative Sales & Purchase Union vs. State of Gujarat, 1984 (25) 2 GLR p-1244. In view of the said decision upholding the said provision, Government are entitled to nominate members to the Managing Committee of the first petitioner-Society. Consequently, the prayer made in this petition cannot be granted. Special Civil Application stands dismissed. Rule discharged with no order as to costs.

[K. Sreedharan, CJ.]

[A.R Dave, J.]

Prakash*